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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,510	07/08/2003	Minoru Uematsu	4432-0102P	7613
2292 7590 11/03/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
CHENG, JACQUELINE				
ART UNIT		PAPER NUMBER		
3768				
NOTIFICATION DATE		DELIVERY MODE		
11/03/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/614,510

Applicant(s)

UEMATSU, MINORU

Examiner

JACQUELINE CHENG

Art Unit

3768

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 9, 18, 19 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 9, 18, 19 and 25 is/are rejected.
- 7) ☒ Claim(s) 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Although the applicant argues that the lines of parallelism that the examiner applies does not prove any parallelism, the examiner respectfully disagrees as since the applicant did not claim along what axis of the machine that the machines are parallel to, nor that all three machines lie parallel to each other, being in parallel can be broadly interpreted, for example one could argue that the machines of the current application are not in parallel with each other and in fact lie along the same. However as new art has been applied this argument is currently moot in view of the new ground(s) of rejection. The applicant's arguments about there being no motivation for one with ordinary skill in the art to change the circular rail of Nambu to a linear rail is also moot in view of the new ground(s) of rejection
2. The IDS filed January 25, 2005 was not considered because there was not a list of the other information submitted for consideration. A form such as form PTO-1449 needs to be submitted with a column that provides a blank space next to each document to be considered for the examiner's initials (i.e. the document to be considered is the European Office Action). Since there is no list of information (the "list of information" being the European Office Action) with a column that provides a blank space next to each document to be considered the information referred to therein has not been considered.

Claim Objections

3. **Claim 27** is objected to because there is insufficient antecedent basis for the recited limitation "said common". The examiner has examined the claim as if the claim read "said common bed". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 18, 19, and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer (US 6,302,579 B1) in view of Nambu (US 5,615,430). Meyer discloses multiple medical systems arranged in a room where a patient uses a common bed for all the systems so the patient does not have to be repositioned. The multiple medical systems can be arranged all in parallel and moveable along a linear moving mechanism as the means for moving the patient into position (fig. 4 and 5). The patient is also moved into position through linear movement in the lateral direction of the common bed through movement of the table top (col. 3 line 2) which although not disclosed, it is well known in the art for movable table tops to be movable in a height, lateral and longitudinal direction such as disclosed by Nambu (col. 4 line 15-18). Also although Meyer does not explicitly disclose using a CT scanner, an irradiation apparatus, and an X-ray simulator as a combination of the three medical devices it would be obvious to use any well known devices that are known to be used together. In the same field of endeavor, Nambu discloses the use of a CT scanner, a linear accelerator, and a x-ray simulator together in one

room with use of a common bed. It would therefore be obvious to have used these three devices on the longitudinal carriage or the displacement platform of Meyer.

6. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer in view of Nambu further in view of Nonaka (US 6,094,760). Meyer does not explicitly disclose the direction in which the table top moves. It is obvious to one skilled in the art that common table top movements are in a lateral, longitudinal, height and isocentric rotation directions such as disclosed by Nonaka (abstract).

Allowable Subject Matter

7. **Claims 26 and 27** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,259,011 A to Petro, .US 6,205,347 B1 to Morgan, US 6,640,364 B1 to Josephson, US 6,928,142 B2 to Shao, US 7,382,851 B2 to Inoue.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACQUELINE CHENG whose telephone number is (571)272-5596. The examiner can normally be reached on M-F 10:00-6:30.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

/Long V Le/
Supervisory Patent Examiner, Art Unit 3768